



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

SUBJECT: Extension of Contract for Zilker Eagle

DATE: March 9, 1995

The contract for the Miniature Train Concession in Zilker Park expired on April 30, 1994. Following two public hearings a Request for Proposals (RFP) was issued on March 14, 1994. The evaluation team which reviewed the responses recommended that this solicitation be canceled and a new one be issued limiting proposals to the current 16" gauge track. A new RFP was issued on September 12, 1994. On February 2, 1995 Council passed a resolution directing Parks and Recreation Department staff to issue a new RFP with special emphasis on converting the train to an alternative fuel source, establishing a second terminal and extending the track to the parking lot under the south side of Loop 1, and train cars that are more easily accessible. As a result, the RFP issued in September has also been canceled.

In an effort to ensure that the train continues to operate and serve the park users until a new contract is awarded, the Parks and Recreation Department will be requesting that the City Council extend the contract with to the current concessionaire, Zilker Eagle Inc. from April 1, 1995 through September 30, 1996.

The current contractor is requesting a fee increase at this time. The fees for this concession have not been raised since 1986. The concessionaire needs this revenue generated by an increase to offset the income lost when the train was shut down from September 7, 1994 to November 19, 1994 to remove contaminated soil from one of the tunnels. The Parks Department supports this increase.

	<u>Current Fees</u>	<u>Proposed Fees</u>
Adults and children over the age of twelve	1.25	1.75
Children under the age of twelve	1.00	1.50
Children under one	free	free
Groups (20 or more)	.75	1.25
Senior Citizens	.75	1.25

In conjunction with the contract extension, standard hours of operation and business management practices will be incorporated into the contract. Minimum hours of operation, weather permitting, will be:

Summer (June 1 - August 31)

Tuesday - Sunday 10:00 am - 6:00 p.m.

Closed Mondays for maintenance

Off Season (September - May)

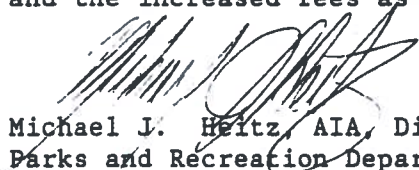
Weekends only 12:00 - 5:00 p.m.

The proposed contract extension is for seventeen (17) months with no extension options. The estimated revenue to the City of Austin is \$44,000 over the duration of the extension. Estimated revenue is based on 10% of gross sales revenue, less sales tax, with no minimum guarantee.

The concessionaire has agreed to conduct a complete upgrade to the aesthetics and passenger comfort features of the trains by the end of September 1995, provided the proposed rate increase is approved. The equipment upgrade would include removing and repainting the trains and providing new, more comfortable seating for the passenger cars.

RECOMMENDATION:

I recommend that the Parks Board approve the extension of this contract and the increased fees as listed above.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:hgp

**Guidelines for Recommending Names
for City Parks and Recreational Facilities**

The Parks and Recreation Board finds that one of its responsibilities is to make recommendations to the City Council regarding proposed names for parks and recreational facilities, including improvements, or any part thereof within a park. The Board further finds that the Street and Facility Naming policy adopted by the City of Austin on June 12, 1984, does not provide sufficiently clear guidelines to aid the Board in discharging this responsibility. The Board therefore adopts the following guidelines, superseding all of its previous guidelines:

1. Where possible, names should reflect prominent land features.

2. Where a park or playground shares the same site with a school facility, it is desirable that the park or playground should have the same name.

3. Parks and recreational facilities may be dedicated in honor of a living or deceased person(s) who has rendered valuable and creditable service to the community and City of Austin.

4. Once a park or facility has been officially named for a person(s), that name shall not later be changed.

5. The Board shall provide two weeks' advance public notice at any site which is proposed to be named, and the Board shall allow public comment on any proposed name(s). The notice shall include any proposed name(s).

GUIDELINES FOR: RECOMMENDING NAMES FOR CITY PARKS AND
RECREATIONAL FACILITIES

The Parks and Recreation Board, believing that one of its primary functions is the recommendation to the City Council of names for parks and recreational facilities, including any improvements, or part thereof within a park; and

Believing that precedence has been set: therefore issues this statement of its basic governing principles; and

Affirms that, where possible, names will reflect prominent land features; and

Affirms that parks and recreational facilities may be dedicated in memory of a person; and

Affirms that common reference, especially where the playgrounds share the same site with a school facility may be used; then

Assures that the name of no living person will be recommended; and

Assures that no officially named park or facility will be changed; and

Assures that the board will publicize proposed names for two weeks before sending recommendations to the City Council.

Adopted by the Parks and Recreation Board - July 25, 1978

Reaffirmed by the Parks and Recreation Board - April 24, 1984

MEMORANDUM

To: All Department Heads and Administrators
From: Richard L. Ridings, P.E., Director
Public Works and Engineering
Date: October 1, 1984
Subject: Street and Facility Naming Policy

Transmitted herewith is a copy of the subject policy approved by the City Council on September 13, 1984. Please include this policy in your files for future reference.

If you have questions concerning the policy, please contact ~~J.D. Murchison~~ or Nathan Schneider at Extension 2370.

44-7131.

Richard L. Ridings, P.E., Director
Public Works and Engineering

RLR:JDM:ph
4P02

Attachment

CITY OF AUSTIN
STREET AND FACILITY NAMING POLICY

I. Purpose

- A. To establish uniform procedures for naming City streets and facilities that will provide individual citizens, citizens' groups or City Departments consistent guidelines for initiating such action.

II. Facilities

A. Current practice

1. Generally projects are referred to by type plus number (Fire Station No. 27), geographical (Northwest Recreation Center), district (Montopolis Health Center), street (Manchaca Branch Library), or use (Senior Citizens Activity Center) when initiated in the Capital Improvements Program. These references usually continue with the project through design and construction and result in these references being used on the building plaques.
2. On rare occasions a facility has been named, during the preliminary phases, for an individual that has provided outstanding service to the City.
3. Occasionally, an existing facility is renamed to honor an individual that has provided outstanding service to the City.

B. General building types

1. Following are general building types constructed by the City. An asterisk denotes facilities recommended for naming considerations.
 - a. Aviation (Airport)
 - * (1) Terminal Building
 - (2) Associated Buildings
 - * b. Brackenridge Hospital
 - c. Electric
 - * (1) Administration Building
 - (2) Service Yards
 - * (3) Power Plants
 - d. Emergency Medical Services
 - (1) Stations
 - e. Energy Management
 - (1) Offices
 - f. Fire
 - (1) Administration Building
 - (2) Fire Prevention Building

- (3) Stations
- (4) Training Structures
- * g. Health
 - (1) Neighborhood Clinics
- * h. Human Services
 - (1) Neighborhood Centers
- i. Libraries
 - * (1) Main Library
 - (2) History Center
 - * (3) Branch Libraries
- j. Parks and Recreation
 - * (1) Administration Building
 - * (2) Recreation Centers
 - * (3) Senior Activity Center
 - * (4) Swimming Pools
 - * (5) Parks
 - * (6) Playgrounds
 - (7) Rest Rooms
 - (8) Service Yards
 - (9) Special
- k. Police
 - (1) Administration Building
 - (2) Training Building
 - (3) Neighborhood Stations
- l. Public Events
 - * (1) Auditorium
 - * (2) Coliseum
- m. Public Works
 - (1) Service Yards
 - (a) Administration Buildings
 - (b) Utility Buildings
- n. Purchasing
 - (1) Stores Buildings
- o. Urban Transportation
 - (1) Maintenance Buildings
 - (2) Austin Transit
- p. Vehicle Services
 - (1) Service Yards
 - (a) Administration Buildings
 - (b) Garage Buildings
 - (c) Utility Buildings
 - (d) Radio Shop
- q. Water & Wastewater
 - (1) Service Yards
 - (a) Administration Buildings
 - (b) Utility Buildings
 - (2) Main Administration Building

- r. General Office Buildings
 - * (1) Municipal Building
 - * (2) Municipal Annex
 - (3) Rebekah Baines Johnson Building

C. Recommendations

1. Building Facilities, Parks, Pools and Playgrounds
 - a. Only facilities directly serving the public will be named. The most logical facilities are those with asterisks on the list of building types in II.8.
 - b. Features within facilities, such as fountains, reflective pools, special rooms, special features or equipment, can be dedicated to the memory of worthy individuals by appropriate plaques without actually naming or renaming the facility. This alternative can recognize the valuable contributions of citizens, employees killed in line of duty, and so forth.
 - c. Recognition plaques for deserving individuals or groups may be placed in individual facilities.
 - d. Buildings, parks or other facilities previously named for individuals shall not be renamed.
 - e. Facilities may be named for deceased or living persons. For a living person to be considered they shall have established creditable service to the community and City of Austin.
 - f. New buildings should be considered for official naming upon completion of the schematic design in order that the official name can be established and made a part of the dedication plaque. The Public Works Department staff will alert the User Department in the event the Board/Commission or Department desires to submit an application for officially naming the project. If an application is not submitted, the project reference in the C.I.P. will be used on the dedication plaque.
 - g. Establish an application procedure for naming new facilities or renaming existing facilities not previously named for an individual.

D. Application Procedure

1. User Departments, Boards or Commissions may submit applications for naming new facilities during the early planning phases. The Public Works Department staff will alert the User Department advising them of this option.

2. Names for new facilities may be initiated by any person or group and submitted to the Public Works Department. Applications will contain information as follows:
 - a. A biographical sketch of the person whose name is suggested. Substantiate person's involvement in the community or departmental activity.
 - b. Provide justification for name if it is not that of an individual.
 - c. Provide a statement noting the appropriateness of the facility, facility activity, and the person being recommended.
 - d. In the event the application is for renaming an existing facility, it shall include an estimate of cost to the City for replacement of signs and plaques.
3. Completed applications after being reviewed by the Public Works staff will be submitted to the board or commissions having jurisdiction for the appropriate department or the Planning Commission in the absence of any board or commission. The board or commission will then make its recommendation to the City Council at least four weeks prior to consideration by the City Council.
4. The City Council may accept special gifts and consider specific conditions concerning names.
5. Applications for renaming existing facilities will follow the preceding procedures and must be initiated by the City Council, a Board or Commission or User Department.

III. Street Name Changes

- A. Ordinance 80 0214-A (attached) is an appropriate document for street name changes.
- B. Recommended amendments to the Ordinance
 1. Article III, Section 31-101(a) - Director of Engineering changed to read Director of Public Works.
 2. Article III, Section 31-101(c) - Engineering Department changed to read Public Works and Engineering Department.
 3. Article III, Section 31-102(a) - Engineering Department changed to read Public Works and Engineering Department.
 4. Article III, Section 31-102(a)(5) - Public Works Department changed to read Public Works and Engineering Department.
 5. Article III, Section 30-103(b) - Engineering Department changed to read Public Works and Engineering Department.
 6. Article III, Section 31-103(a) - Engineering Department changed to read Public Works and Engineering Department.

061284

7. Article III, Section 31-103(c) - Engineering Department changed to read Public Works and Engineering.
- C. This ordinance does not apply to temporary ceremonial street names honoring an individual.

IV. Forms

- A. PBD 061284 - Application for Facility Naming

Approved by City Council on September 13, 1984

James E. Aldridge
City Clerk

ORDINANCE NO. 80 0214-A

AN ORDINANCE AMENDING CHAPTER 31, "STREETS, SIDEWALKS AND PUBLIC PLACES," OF THE AUSTIN CITY CODE, 1967, AS AMENDED, BY ADDING THERETO A NEW ARTICLE, ARTICLE VIII, "STREET NAME CHANGES"; PRESCRIBING RULES, DUTIES, AND FEES; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 31, "Streets, Sidewalks and Public Places," of the Austin City Code, 1967, as amended, is hereby amended by adding thereto a new Article, Article VIII, "Street Name Changes," to read as follows:

ARTICLE III. STREET NAME CHANGES.

Sec. 31-100. Purpose.

The purpose of this ordinance is to establish uniform criteria and procedures, applicable to all persons, groups, firms, and agencies, for the permanent change of city street name.

Sec. 31-101. Application.

(a) An application (request) may be filed with the city director of engineering in the form of a petition signed by

(1) not less than fifty (50) percent of all owners abutting the subject city street. "Owners" of such abutting property shall be determined by the city director of engineering from the then current city real property ad valorem tax roll; or,

(2) a duly authorized officer or attorney representing a governmental subdivision, agency, or department; or,

(3) both (1) and (2) above.

(b) The application shall state:

(1) the present official city name of the street;

(2) the proposed new name;

(3) the name, address, and telephone number of one person with authority to represent binding commitments and take official action relative to such street name change on behalf of each unincorporated association, group, or entity, if any, applying;

(4) the name of each person, group, agency, or entity requesting the street name change;

(5) statement of each reason, from among those hereinafter listed, claimed for such street name change.

(c) The application must be accompanied by the application processing fee in the sum of one hundred dollars (\$100.00), payable, unconditionally and without right of any refund, to the City of Austin, and in the form of cash, cashier's or certified check, and be accompanied by payment or be paid prior to any owner notification by the engineering department, to the City of Austin for the manufacture and installation of new street name signs, calculated in amount as hereinafter prescribed, payable in like form except as to refunds; provided, however, no department or subdivision of the City of Austin shall be required to pay such monies in such forms.

(d) The director of urban transportation shall, among other things, comment and advise whether a proposed street name is of such non-English language letter forms or of such number of letters as to require a non-standard or outsize sign to accommodate such name.

Sec. 31-102. Notice; administrative review.

(a) The application shall be referred from the engineering department to the following departments and entities for review, comment and return:

- (1) planning department;
- (2) urban transportation department;
- (3) fire department;
- (4) police department;
- (5) public works department;
- (6) county engineer of the county or counties in which the subject street is situated;
- (7) Southern Union Gas Company;
- (8) United States Post Office;
- (9) Others as may be determined appropriate under the circumstances by the director of engineering.

(b) The engineering department shall be responsible for sending notification personally, by mail, by telephone, or by any one or any combination thereof, to the said abutting owners.

(c) Applications for street name changes may be considered for any one or more of the following reasons, which must be specified in each application:

(1) Technical.

(i) To establish continuity of the street's name, i.e., to assure one name for a public way commonly traveled as a single thoroughfare, although the centerlines of segments thereof do not match, as the city council may determine;

(ii) To eliminate name spelling duplication, phonetic duplication, or misspelling;

(iii) To enhance ease of location otherwise;

(iv) To bring coherence to the street numbering system designation (east, west, north, south);

(v) To provide necessary roadway designation (Street, Road, Lane, Circle, Drive, Boulevard, and similar designations);

(2) Recognition. To honor a person, place, institution, group, entity, event and similar subjects.

(3) Neighborhood enhancement. To enhance a neighborhood through association of the street name with its location, area characteristics, history and the like.

(d) The new street name sign charge shall be determined by the director of urban transportation and shall be based upon an average cost per sign calculated at the beginning of each fiscal year (considering prevailing and projected market costs, or prior bid costs, or combination thereof in any part, to cover estimated labor and material for installing then-standard city street signs) applied to the number of signs the said director finds required for the new street name.



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

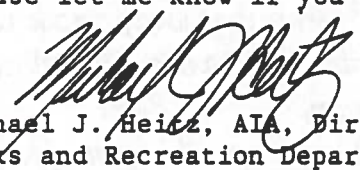
DATE: February 7, 1995

SUBJECT: Naming of Quail Creek Park Hike and Bike Trail for Chris Mosqueda

Recently the Parks and Recreation Department received a request from the Planning and Development Department to name a park area for Chris Mosqueda. Chris passed away on March 21, 1994. Throughout his life Chris was an active user of parks and recreation facilities. He volunteered as athlete-manager for the Travis Rebels Baseball Team and volunteered for the City of Austin's vehicle rodeo and also for Public Works doing data entry.

Since Quail Creek Park is close to where Chris Mosqueda lived, I recommend naming the hike and bike trail in Quail Creek Park for Chris.

Please let me know if you need additional information.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:jh

Attachments



*In Memory of Chris Mosqueda
September 18, 1968 - March 21, 1994*

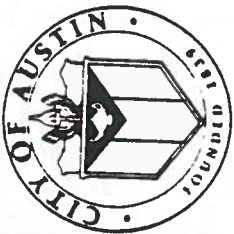
In 21 years of coaching, I have come in contact with so many nice and dedicated athletes in my baseball program. Many friendships have come and gone. Chris is one young man that will always be with us, as a friend and a true Travis Rebel.

He started with us as a student in the mid-eighties in my adaptive physical education class. I knew from the first day he had some very special qualities. He was so determined to be the very best athlete at any activity he attempted. "I can do that" was said many times during the class. His energy and confidence spread throughout the class and the instructor. What a great person to help out with the baseball team! With that idea, a talk with his wonderful parents (Emma and Carlos), and a discussion with Chris, a beautiful relationship began - Chris Mosqueda and the Travis Rebel Baseball Team.

Chris was a hard working, loving, and caring athlete-manager who gave of himself to any player that needed help. His inspiration was a very big part of our team and the players really knew this to be so. Coach Hancock and myself appreciated the years that Chris gave to us. All the players and fans will always remember that smile of confidence that really meant Chris had everything under control. Thank you to the Mosquedas for letting Chris be a member of our championship team and for the lesson of life he demonstrated to us - a life full of goodness. Thank you Chris for our close friendship - We love you!

Your coach and friend,

Coach Alvarez
Coach Alvarez



CITY OF AUSTIN

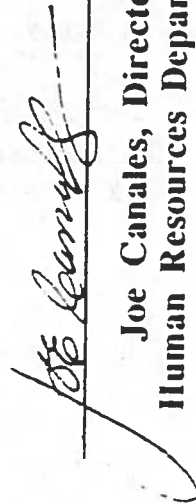
1990 VEHICLE ROAD-E-O

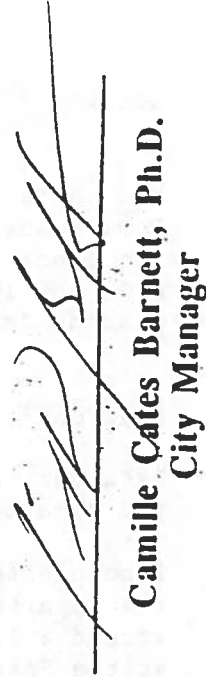
CERTIFICATE OF APPRECIATION

Presented to:

Chris Mosqueda

For actively demonstrating safety awareness
and support for the City of Austin and its
Fleet Safety Program as an Obstacle Judge in the
1990 City-Wide Vehicle Road-E-O.


Joe Canales, Director
Human Resources Department


Camille Cates Barnett, Ph.D.
City Manager



City of Austin

FOUNDED 1839

Municipal Government

October 23, 1990

Mr. Chris Mosqueda
Public Works Department
c/o Irene Garcia
P.O. Box 1088
Austin, Texas 78767

Dear Chris,

As a City of Austin volunteer you are very special person. The time you generously give helps the City to better serve our customers.

I am pleased that you have been chosen as an outstanding volunteer by the department in which you work and I am writing you to invite you to attend a luncheon in your honor Thursday, November 8, 1990 at 11:00am at the Spaghetti Warehouse as our way of saying "thank you."

After the luncheon, a proclamation will be issued by the Mayor at City Council Chambers to recognize the contributions you and other volunteers have made to the City and the citizens of Austin.

I hope you will be able to attend the luncheon and the proclamation ceremony so we can personally show our appreciation for the great work that you do. Please call Sylvia Garcia at 499-2403 and let us know if you will be able to join us.

Sincerely,

Camille Cates Barnett, Ph.D.
City Manager

City of Austin



Proclamation

*Be it known by these presents that
I, Lee Cooke, Mayor of the City of Austin, Texas,
do hereby proclaim*

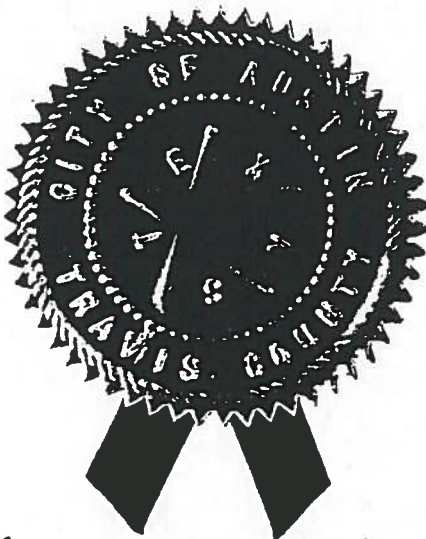
November 8, 1990

as

CITY OF AUSTIN VOLUNTEER APPRECIATION DAY

*in recognizing Chris Mosqueda for his many volunteer contributions
to the City of Austin and for his unwavering commitment to
enhancing the quality of life in Austin.*

Attest:



Mayor
Lee Cooke

City Clerk

DRAFT

ORDINANCE NO. 95 - _____

AN ORDINANCE CODIFYING THE AUTHORITY OF PARK POLICE OFFICERS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3, OF THE AUSTIN CITY CODE OF 1992, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Austin enacted Ordinance No. 681212-D to authorize special police officers to serve as park rangers; and

WHEREAS, in April of 1984, the name of the Austin Park Rangers was changed to the Austin Park Police; and

WHEREAS, a need exists to set clearly the powers, duties, and responsibilities of such park police officers; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the Austin City Code of 1992 be amended by adding the following:

Section 11-1-10 PARK POLICE OFFICERS

The City shall have such park patrol officers as shall be deemed advisable and such patrol officers shall be known as park police officers. Each park police officer shall be appointed and designated a peace officer. Park patrol officers shall be employees of the Parks and Recreation Department and shall not be employees or members of the Austin Police Department.

Section 11-1-11 DUTIES

A. The park police officers' law enforcement responsibilities shall be city-wide, shall embrace the enforcement of federal and state laws, and local ordinances, and shall extend to those parks under the control or ownership of the City. This Section shall not imply a limitation on the inherent law enforcement responsibility of a park police officer in his or her capacity as a peace officer.

B. Park Police officers shall give priority to law enforcement in City parks, recreational facilities, and grounds. In the discharge of this priority, park police officers shall:

1. Maintain law and order;
2. Control traffic;
3. Enforce park rules and regulations;
4. Protect public property; and
5. Perform such duties as may be assigned by the Director of the Parks and Recreation Department.

DRAFT

PART 2. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, that this Ordinance be read on three (3) separate dates is hereby waived by the affirmative vote of at least five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 3. This ordinance shall become effective upon the expiration of ten (10) days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

_____, 1995. §
 §
 §
 §
 §

Bruce Todd
Mayor

APPROVED: _____ **ATTEST:** _____
Andrew Martin James E. Aldridge
City Attorney City Clerk

RC/gg
#9738

ORDINANCE NO. 95 _____

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN PUBLIC PROPERTY; ESTABLISHING THE OFFICE OF URBAN FORESTER; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; PROVIDING FOR THE REMOVAL OF VEGETATION ON PRIVATE PROPERTY WHICH OBSTRUCTS PUBLIC TRAVEL; PROVIDING FOR THE PROTECTION OF PUBLIC TREES; PROVIDING FOR VALUE RECOVERY WHEN PUBLIC TREES ARE DAMAGED OR REMOVED; PROVIDING FOR TREES AS PART OF STREET IMPROVEMENTS; PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; AMENDING SECTION 16-7-41; REPEALING SECTION 16-7-45; WAIVING SECTION 2-2-3 OF THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City may pass and enforce ordinances necessary for the protection of the health, welfare and safety of its residents and visitors; and,

WHEREAS, the City has jurisdiction over its public roadways and parks; and,

WHEREAS, there are over 100,000 public trees located on the roadways of the City which provide social, aesthetic, environmental, economic, and health benefits to the City, residents, and visitors; and,

WHEREAS, the City's Auditors' Office, Law Department, Environmental and Conservation Services Department, Public Works and Transportation Department, and the Parks and Recreation Department have recommended the enactment of an ordinance protecting and promoting the City's urban forest; and,

WHEREAS, the Urban Forestry Board, pursuant to its authority and direction as set out in Article XXXIV Section 2-4-458 of the City Code, concurs with the recommendations for such an ordinance, has worked with such City departments, and has held numerous public meetings and obtained community-wide input from private citizens, businesses, trade organizations, and City boards and commissions over the past two years; and

WHEREAS, with such input the City Urban Forestry Board has drafted a comprehensive public tree care ordinance that lessens the burden of government regulation for residents and businesses to plant and care for public trees and provides that the construction of roadways includes the planting of appropriate trees, and ensures that public trees are cared for in a manner which complies with nationally approved standards.

WHEREAS, many cities have successfully enacted and enforced similar ordinances throughout the state and the nation, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the Code of the City of Austin is hereby amended by adding Chapter 15-9 as follows:

Section 15-9-1. Short Title.

This Ordinance shall be known and cited as the Public Tree Care Ordinance.

Section 15-9-2. Purpose and Intent

A. The purpose of this Chapter is to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees located on roadways, parks and public areas owned or controlled by the City of Austin. The application and enforcement of this ordinance shall be coordinated with existing ordinances.

B. It is the intent that this Chapter shall promote:

(1) The protection of residents and visitors from harm caused or threatened by the improper planting, maintenance, or removal of trees on public property or right-of-way; and

(2) The planting, maintenance, restoration, and protection of trees on public property thereby enhancing the appearance of the City and protecting the urban forest as an important social, environmental, and economic resource for the benefit of the City's residents and visitors; and

(3) The assistance of property owners and public agencies with the protection and maintenance of trees in a manner consistent with adopted City policies, procedures, and regulations.

Section 15-9-3. Definitions.

A. Damage shall include but not be limited to: the uprooting of a tree, severance of the root system, severance of the main trunk, the storage of materials or the compaction of soil around a tree, a substantial change in the natural grade above the root system or around the trunk or the pruning or removal of more than 25% of living tissue; and the paving with impervious materials around a tree.

B. Property Line shall mean the outer edge of a street or City right-of-way.

C. Public Property shall mean all grounds owned or controlled by the City of Austin not restricted to public access. Utility and drainage easements on private property, and areas restricting public access shall not be included in the definition of public property as used in this Chapter.

D. Tree shall mean any self-supporting woody perennial plant typically having a trunk diameter of at least three inches measured at four and one-half feet above grade or having a trunk diameter of at least two inches if planted by or for the City.

E. Tree Value for applications under this ordinance shall mean the appraised value of a tree based on the latest edition of the "Guide for Plant Appraisal" by the Council of Tree and Landscape Appraisers.

F. Urban Forester shall mean the qualified designated City employee assigned to carry out the enforcement of this Ordinance.

G. Utility shall mean public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat, steam, water, or sewage disposal and treatment.

Section 15-9-4. Duties and Authority of Urban Forester.

There shall be an Urban Forester position filled by a qualified forester. The Urban Forester shall:

A. Preserve and enhance the City's urban forest through the management of the City's Urban Forestry Program and the administration and implementation of the Comprehensive Urban Forest Plan as developed with the Urban Forestry Board.

B. Supervise the planting, maintenance and removal as necessary trees on public property in coordination with affected City departments.

C. Assist the Urban Forestry Board with the formation of, and any revisions to, the Comprehensive Urban Forest Plan and provide administrative staff services.

D. Develop and periodically update arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees and shrubs on public property. Arboricultural specifications and standards of practice shall be based on the most current edition of the National Arborists Association's Standards for Tree Care or other nationally recognized standard and shall have been reviewed by the Urban Forestry Board prior to implementation. Copies of all rules, regulations, specifications, and standards shall be available to the public.

E. Enforce the provisions of this ordinance.

F. Affix conditions to the granting of permits.

G. Have the authority to supervise and or inspect any work done under any permit issued pursuant to this Chapter.

H. Carry out such other duties specified in this Chapter or in this Code.

Section 15-9-5. Permits.

A. (1) Unless otherwise directed or permitted by another applicable permit or license, no person shall plant, maintain, remove, or damage any tree on public property without procuring a permit from the Urban Forester as specified in this section. It shall be the responsibility of the person actually performing the work or their employer to apply for the permit. Permits under this Chapter shall be issued free of charge. Fees can only be added after formal amendment to this ordinance.

(2) Application for permits shall contain such information as the Urban Forester shall require and shall be made at the office of the Urban Forester not less than five (5) working days in advance of the time the work is to be done.

(3) The Urban Forester shall issue a permit upon a determination that the proposed work and the proposed method and workmanship are in accordance with this ordinance and adopted arboricultural standards. Any permit granted shall contain a date of expiration; the work shall be completed during the time allowed by the permit and in the manner described therein. Any permit shall be void if its terms are violated.

B. An annual permit, effective January 1 of each year, may be issued to any person that engages in the pruning or maintenance of trees on public property. Issuance of an annual permit shall be expressly conditioned on compliance with City-adopted arboricultural specifications and standards of practice. A permit may be denied if the applicant has a demonstrated history of violating the provisions of this Chapter. An annual permit shall not authorize the removal of trees. Notice of completion of work done under an annual permit shall be provided quarterly to the Urban Forester.

C. The Urban Forester shall be authorized to remove any tree or vegetation found to have been planted in violation of this Chapter or regulations adopted hereunder.

D. As a condition of the issuance of a permit for the removal of a living tree, the Urban Forester may require the planting of replacement trees or provision therefore. In the event a permit holder agrees to plant a replacement tree and such a replacement tree is not timely planted, the Urban Forester may plant such tree and assess and collect the costs from the person issued the permit. Funds collected shall be deposited in the City of Austin Planting for the Future Trust In Agency Fund to be used for citywide public tree planting.

E. The Urban Forester shall be authorized to revoke a permit for violations of this Chapter or regulations adopted hereunder. Written notice and an opportunity to be heard shall be provided to permit holders before the revocation of a permit.

F. No permit shall be required in the following instances:

(1) For any City department or contractor employed by a City department engaged in tree pruning or maintenance provided that the work is completed according to the arboricultural specifications and standards developed by the Urban Forester and reviewed by the Urban Forestry Board under § 15-9-4. D.

(2) To remove any tree or limb under emergency conditions. An emergency shall be deemed to exist during such time as a hazardous or dangerous condition exists because a tree or limb has fallen or is in imminent danger of falling. A person may remove fallen limbs or trees blocking pedestrian or vehicular travel.

(3) For a public utility to remove trees or limbs which have fallen or are in imminent danger of falling if removal is necessary to restore service or to prevent damage to utility lines or facilities.

Section 15-9-6. Obstructions.

A. The Urban Forester shall issue a written notice to property owners or occupants requiring the removal or clearance of private trees, shrubs or vegetative matter that create an obstruction as prohibited in Section 16-7-41. If an owner or occupant fails to remove or clear such vegetation within 10 days of receipt of the notice, the Urban Forester shall be authorized to remove or clear such vegetation.

B. No person shall plant or cause to be planted on public property any tree that reaches a maximum height of 20 feet or over within ten (10) feet of an overhead power line.

C. The City shall at all times have the right to abate tree or other vegetative obstructions to or on public ways; the Urban Forester shall be authorized to remove such obstructions at any time.

Section 15-9-7 Protection of Trees.

A. Except as provided in Subsection C., below or unless authorized by other written permit issued by the City:

(1) No person shall damage, top, cut, carve, transplant, or remove any tree on public property; allow any gas, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn which may injure any portion of any such tree.

(2) No person shall deposit, place, store, or maintain upon public property any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots of any tree growing thereon.

B. Unless otherwise directed or permitted by other applicable ordinances or rules, a person conducting excavation or construction on public property shall see that each tree is guarded with a good substantial fence, not less than four (4) feet high and not closer than two (2) feet from or to the perimeter of the tree trunk. All building material, dirt, and other debris shall be kept outside the barrier.

Section 15-9-8. Loss of Public Trees - Value Recovered.

A. A person damaging a tree on public property shall be liable to the City for any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. A person may appeal the Urban Forester's determination of the value to the Urban Forestry Board under the procedures established in Subsection 15-9-10. The assessment of a fine shall not prevent the recovery authorized by this subsection.

B. Amounts recovered under this Section shall be deposited in the Planting for the Future Trust In Agency Fund to be used for citywide public tree planting.

Section 15-9-9 Capital Improvements.

The Urban Forester shall participate in the planning or designing of major capital improvements to the road system to ensure the inclusion of trees as part of the road design. One percent of the actual construction costs of each capital improvement project shall be devoted to the planting of trees. Use of bond funds shall be subject to bond covenants.

Section 15-9-10. Appeals.

A. An applicant or permit holder shall have the right to appeal the conditions, denial, or revocation of a permit to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within ten (10) days of the granting, denial, or revocation of a permit. The Urban Forestry Board shall hold a hearing within thirty (30) days of receipt of the appeal, or as soon as practical. The appellant shall be notified of the date of the hearing and shall be allowed to present evidence and testimony. The Urban Forestry Board by a majority vote shall uphold, reverse, or modify the decision of the Urban Forester.

B. A person determined to be liable to the City under Section 15-9-5 or 15-9-8 shall have the right to appeal the determination of value to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within ten (10) days of notice of liability. The Board shall conduct a hearing in the same manner specified in Subsection A above.

Section 15-9-11. Interference With Urban Forester.

No person shall hinder, prevent, delay, or interfere with the Urban Forester or any of his or her assistants while engaged in carrying out the execution or enforcement of this Chapter.

Section 15-9-12. Violation and Penalty.

A violation of the provisions of this Ordinance shall be punishable by fine. Upon conviction, persons shall be assessed a fine not to exceed one hundred (\$100) dollars. Each day a violation of this Chapter continues constitutes a distinct and separate offense.

PART 2. Section 16-7-41 of the code of the City of Austin, 1992, is amended to read as follows:
16-7-41 Obstruction of Sidewalks

It shall be unlawful for the owner or occupant of any property adjacent to a public street or sidewalk to allow any tree, shrub, or vegetation growing on his or her property to obstruct traffic, visibility, signs, or the free passage on such street or sidewalk. Such owner or occupant shall maintain trees, shrubs or vegetation growing on his or her property so as to provide a vertical clearance of at least eight feet over sidewalks or pedestrian ways and fourteen (14) feet over roadways. The determination of what constitutes an obstruction authorizing abatement pursuant to 15-9-6 shall be made by the Urban Forester.

Part 3. Section 16-7-45 of the Code of the City of Austin, 1992, is repealed.

PART 4. The requirement of Section 2-2-3, Code of the City of Austin, 1992, that ordinances be read on three (3) separate days shall be hereby waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This Ordinance shall become effective upon the expiration of ten (10) days from its enactment, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

§

_____, 1995.

Bruce Todd
Mayor

APPROVED: _____
Andrew Martin
City Attorney

ATTEST: _____
James E. Aldridge
City Clerk

ORDINANCE NO. 94-_____

AN ORDINANCE AMENDING SECTIONS 13-5-64 AND 13-7-39 OF THE CODE OF THE CITY OF AUSTIN TO PROVIDE FOR THE REVIEW BY THE URBAN FORESTER; WAVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE CITY CODE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That section 13-5-64 of the Land Development Code is amended to add Subsection (e) to read as follows:

(e) The approval of the Urban Forester shall be required of an application made under this section proposing the removal of any tree larger than three (3) inches in diameter. The Urban Forester may condition approval on the relocation of trees or provision for the replacement of trees proposed to be removed.

PART 2. That Section 13-7-39 (a) is renumbered to be Section 13-7-39 (a) (1).

PART 3. That a new subsection 13-7-39 (a) (2) be added to read as follows;

§13-7-39 (a) (2) The Urban Forester shall review and approve applications to remove protected trees on public property in those instances when a site plan is not required. The Urban Forester shall exercise the same rights and duties assigned to the City Arborist and the Environmental and Conservation Services Department by this Article, and the Urban Forester's review and approval shall be governed by all applicable provisions of this Article.

PART 4. The requirement of Section 2-2-3, Code of the City of Austin, 1992, that ordinances be read on three (3) separate days shall be hereby waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This Ordinance shall become effective upon the expiration of ten (10) days from its enactment, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

§

_____, 1995.

Bruce Todd

Mayor

APPROVED: _____
Andrew Martin

ATTEST: _____
James E. Aldridge

City Attorney

City Clerk

Questions about the Public Tree Care Ordinance:

ISSUE	CURRENT STATE	PROPOSED
1. Why does the City care what goes on in front of peoples houses?	The City is legally responsible for trees on public property and is liable for the damages they cause.	The City is legally responsible for trees on public property and is liable for the damages they cause.
2. Will the City have to hire new positions to enforce this proposal?	The Urban Forester currently works for the Parks and Recreation Department and this position is already established in the City Code.	No new positions will be added as a result of the passage of this ordinance.
3. How much will it cost to enforce this proposal? Is this a hidden tax or fee?	Currently the Urban Forester is responsible for all public trees and handles over 4,000 citizen requests each year.	Based on the experience of the City of Fort Worth, who have had a similar ordinance since 1929, and other cities in the U.S., there should not be the need for significant additional resources to enforce this ordinance.
4. Will permits to <u>take care of trees</u> add another layer of government?. If homeowners are willing to trim their own trees, why do we need this?	In order to prune or remove a tree in the right-of-way, the current city code requires that the person doing the work be a licensed, bonded contractor who has a permit from the Public Works Department for each job. If the tree is over 19" in diameter, they must also get a permit from the Planning Department.	It will eliminate the need to use a licensed, bonded contractor for tree maintenance or removal. Also, it will eliminate the need to secure an additional permit from the Planning Department to remove a large tree. A free permit, which may be used for multiple jobs, good for up to one year, will be available to anyone who agrees to follow nationally recognized standards. These permits will be issued by the Urban Forester.
5. Will permits to <u>plant trees</u> add another layer of government? Will this discourage people from planting trees in the right-of-way?	In order to plant a tree on public property, the current city code requires that a license agreement be entered into with the City Public Works Department. This involves a \$250 fee and the applicants acceptance of legal responsibility for as long as the tree lives.	The license process will be eliminated, a free permit to plant trees will be issued and the City will assume the legal responsibility for these trees.
6. Will this ordinance regulate trees on <u>private property</u> ?	Trees on private property are currently regulated if they hang over the sidewalk or street. The resident is responsible for pruning them to eliminate any hazard to public passage.	Currently the City prunes trees that overhang sidewalks and streets.

7. Are we giving the Urban Forester too much authority?	The Urban Forester currently has responsibility for public trees.	The appeal process is set up so that the Forestry Board will hear all appeals of the Foresters' judgments and the City Council will hear appeals of the Boards' judgments.
8. The City doesn't have the resources to effectively take care of its own trees.	The City currently performs almost no tree care on park trees and only responds to emergency requests for work on street trees.	This will not change much. However, if residents whose trees overhang the street trim their own trees, then the City resources used to trim them can be used to care for public trees.
9. Will I need a permit to water or do minor work on the tree in the right-of-way in front of my house?		Minor routine work such as watering and fertilizing or removing a few small limbs will not require a permit.



CITY COUNCIL AGENDA REPORT
Prepared March 9, 1995

Items Being Prepared for Council Review

Recommendations for Council Action (RCA's) are being prepared for:

- . Interlocal Agreement with Travis County for aerial photographs of oak wilt areas.

Items Under Active Review

These RCA's are drafted and under review within Parks and Recreation and/or the Law, Budget, and Assistant City Manager's Offices:

- . Appropriation of funds for Youth Athletic Council utility fund.
- . Rowing and sculling concession on Town Lake.
- . Setting public hearing for drainage easements at Slaughter Creek Metropolitan Park.

Items Approved and Scheduled for A Specific Meeting

The following items will be on the Council agenda within the next few weeks:

For March 9 (results to be shared at 3/14/95 Parks Board meeting):

- . Citizen Communication from Robert L. Thomas.
- . Amendment to the License Agreement with Aqua Festival for 1995 fees.
- . Contract for Pro Manager at Morris Williams Golf Course.
- . Amendment to Architectural Services Agreement for Central City Entertainment Center.
- . Purchase of mowers for golf courses.
- . Contracts with 3 artists for Convention Center art through Art In Public Places Program.
- . Graffiti Ordinance.
- . Appointments to Arts Commission, Renaissance Market Commission, and Urban Forestry Board.

For March 23:

- . Grounds maintenance contract at Gracywoods Park.
- . Ordinance codifying the powers and duties of Park Police officers.

For March 29 Worksession:

- . Presentation on Art in Public Places Program at Council Worksession.

For March 30:

- . Contract extension for Zilker Eagle.

Items Approved

The following items were approved by Council within the last two weeks:

- . Changes in City Code regulating certification of day care staff supervising children in City swimming pools.
- . Construction contract for flood repair in Shoal Creek.
- . Construction contract for improvements at Buttermilk Park.
- . Contract award for chlorinators and chlorine briquettes for pools.